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FEB. -06/04 (FRI) 14:40

ALSTON & BIRD

TEL: 9198622260

P. 002

Attorney's Docket No. 044276/242574 (5854-6)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kappes et al. Confirmation No.: 1101
Application No.: 10/019,644 Group No.: 1648
Filed: 7/6/00 Examiner: B. Li
For: RETROVIRAL RECOMBINANT ASSAYS AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

1. This is a petition for an extension of time for a total period of three months to respond to the Office Action dated October 6, 2003.
2. Applicant is a small entity; other than a small entity.
3. Calculation of extension (see 37 C.F.R. § 1.17(a)(1)-(a)(5)):

Total Months <u>Requested</u>	Fee For Other Than Small Entity	Fee for Small Entity
one month	\$110.00	\$55.00
two months	\$420.00	\$210.00
three months	\$950.00	\$475.00
four months	\$1,480.00	\$740.00
five months*	\$2,010.00	\$1,005.00

*Cannot be used to exceed six-month statutory limit for response to an Official Action.

A check in the amount of \$ is enclosed.

Charge Deposit Account No. 16-0605 for the extension fee.

Charge Deposit Account No. 16-0605 for any fee deficiency.

Respectfully submitted,

Kelly J. Williamson
Kelly J. Williamson
Patent Agent
Registration No. 47,179

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel. Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

Pamela Lockley
Pamela Lockley
RTAB/12149362v1

February 6, 2004

Date

PACE 212 RCVD AT 2/6/2004 2:49:38 PM [Eastern Standard Time] SVR:USPTO-EFXRF-1/2 DMS:8723005 CSD:9198622260 DURATION (mm:ss):06:02

Adjustment date: 05/27/2004 EEKUBAY1
02/17/2004 FMERCR 00000001 160605 10019644
01 FC:1253 950.00 CR

05/27/2004 EEKUBAY1 00000005 160605 10019644

01 FC:2253 475.00 DA

02/17/2004 FMERCR 00000001-160605-10019644
01 FC:1253 950.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

STATUS AND ENTITY
BRANCH

In re: Kappes et al.

Appl. No.: 10/019,644

Filed: 12/28/01

For: RETROVIRAL RECOMBINATION ASSAYS AND USES THEREOF

Confirmation No.: 1101

Group No.: 1648

Examiner: B. Li

2004 APR 23 PM 4:46

MAIL STOP 16

Director of the US Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

1. **REFUND REQUEST:** This is a request for a refund of \$475.00, with respect to the charge to Deposit Account 16-0605 for Fee Code 1253, shown on the enclosed statement dated February 2004, for the above-identified patent application.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** Client is Small Entity, Large Entity Fee was charged
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,

Kelly J. Williamson
Patent Agent
Registration No. 47,179

CERTIFICATE OF MAILING

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on April 22, 2004

Pamela Lockley

Deposit Account Statement



**United States
Patent and
Trademark Office**

STATUS AND ENTITY
BRANCH

2004 APR 23 PM 4:46

Deposit Account Statement**Requested Statement Month:**

February 2004

Deposit Account Number:

180805

Name:

ALSTON & BIRD LLP

Attention:

BANK OF AMERICA

Address:

101 SOUTH TRYON STREET

City:

CHARLOTTE

State:

NC

Zip:

28280-4000

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/02 1	10459037	038257/257867 2201		\$43.00	\$21,305.00
02/02 1	PCT/US03/26612	PP19155.003 8007		\$20.00	\$21,285.00
02/02 5	10114361	39084/245272 2253		\$420.00	\$20,865.00
02/02 6	10114361	39084/245272 2401		\$186.00	\$20,700.00
02/02 611	60107255	43753/192347 8007		\$20.00	\$20,680.00
02/02 665	10653491	038180202712 8021		\$40.00	\$20,640.00
02/02 1184	10677023	046221/269446 8021		\$40.00	\$20,600.00
02/03 1	09254032	3339-392 1252		\$420.00	\$20,180.00
02/03 3	PCT/US03/38713		9204	-\$12.00	\$20,192.00
02/03 36	10689514	018380/265202 8021		\$40.00	\$20,152.00
02/04 2	09458602	9806-9A 2251		\$55.00	\$20,097.00
02/04 173	60442048	43638/280346 8007		\$40.00	\$20,057.00
02/05 44	10408880	046183/270128 8007		\$20.00	\$20,037.00
02/05 45	78244859		8001	\$335.00	\$19,702.00
02/05 77	60540508	018380/273721 1005		\$160.00	\$19,542.00
02/05 138	60540565	042437/273273 2005		\$80.00	\$19,462.00
02/05 146	60540597	43436-272728 2005		\$80.00	\$19,382.00
02/05 228	10454757		1051	\$60.00	\$19,332.00
02/05 292	10635292		8021	\$40.00	\$19,292.00
02/06 2	10291848	43521-255003 1501		\$1,330.00	\$17,962.00
02/06 3	10291848	43521-255003 1504		\$300.00	\$17,662.00
02/06 4	10291848	43521-255003 8001		\$15.00	\$17,647.00
02/06 17	10210006		9204	-\$300.00	\$17,947.00
02/06 194	10657730	046478/257867 8021		\$40.00	\$17,907.00
02/09 1	10120675	98017-244654 2401		\$185.00	\$17,742.00
02/09 2	10120675	39017-244654 2253		\$475.00	\$17,267.00
02/10 3	10196117	38721/249890 2251		\$55.00	\$17,212.00
02/10 40	10661724		8021	\$40.00	\$17,172.00

Deposit Account Statement

						STATUS AND ENTITY BRANCH
02/10 42	76167127	8521	\$40.00	\$17,132.00		
02/10 43	2379928	8522	\$25.00	\$17,107.00		
02/10 44	2247656	8522	\$25.00	\$17,082.00		
02/10 45	2538011	8522	\$25.00	\$17,057.00		
02/10 46	2450303	8522	\$25.00	\$17,032.00		
02/10 47	2101361	8522	\$25.00	\$17,007.00		
02/10 48	2529605	8522	\$25.00	\$16,982.00		
02/10 49	2435983	8522	\$25.00	\$16,957.00		
02/10 50	1786101	8522	\$25.00	\$16,932.00		
02/10 147	10216009	330477/249478 8021	\$40.00	\$16,892.00		
02/10 297	2594364	8521	\$40.00	\$16,852.00		
02/10 723	10691015	034423268837 8021	\$40.00	\$16,812.00		
02/11 10	10370311	104038-269781 1251	\$110.00	\$16,702.00		
02/11 59	08421982	044276200947 8021	\$40.00	\$16,662.00		
02/11 245	10656893	43789-268902 8021	\$40.00	\$16,622.00		
02/11 375	10680388	046180/259873 8021	\$40.00	\$16,582.00		
02/12 2	09973375	07157/239838 1253	\$950.00	\$15,632.00		
02/12 2	10473276	046658/269834 1615	\$180.00	\$15,452.00		
02/12 55	10223209	8204	-\$300.00	\$15,752.00		
02/12 110	09414712	9852-003-999 2251	\$55.00	\$15,897.00		
02/12 116	10656893	43789-268902 1251	\$110.00	\$15,587.00		
02/13 1	10189086	03542-249472 1252	\$420.00	\$15,167.00		
02/13 2	10188790	04035/249340 1251	\$130.00	\$15,057.00		
02/13 3	10239271	033794/25253 1806	\$180.00	\$14,877.00		
02/13 4	09973375	07157/239838 2253	\$475.00	\$14,402.00		
02/13 5	10352635	02-0961(8000) 1202	\$18.00	\$14,384.00		
02/13 8	09856678	8180-424 1801	\$770.00	\$13,614.00		
02/13 11	09973375	07157/239838 1253	-\$950.00	\$14,564.00		
02/13 95	10636026	8204	-\$18.00	\$14,582.00		
02/13 395	60508446	091678/270099 8021	\$40.00	\$14,542.00		
02/13 402	6054205	038725/163538 8021	\$40.00	\$14,502.00		
02/13 403	6391131	038725/163538 8021	\$40.00	\$14,462.00		
02/13 404	6174483	038725/163538 8021	\$40.00	\$14,422.00		
02/13 405	6466625	038725/163538 8021	\$40.00	\$14,382.00		
02/13 406	6123879	038725/163538 8021	\$40.00	\$14,342.00		
02/13 407	6454889	038725/163538 8021	\$40.00	\$14,302.00		
02/13 408	5836715	038725/163538 8021	\$40.00	\$14,262.00		
02/13 409	6263629	038725/163538 8021	\$40.00	\$14,222.00		
02/13 410	6632309	038725/163538 8021	\$40.00	\$14,182.00		
→ 02/17 1	10019644	038725/163538 1253	-\$950.00	\$13,232.00	←	
02/17 1	10023593	860-167 2252	\$420.00	\$12,812.00		
02/17 10	P108546	1480	\$130.00	\$12,682.00		
02/18 3	10090493	04935/2444810 1401	\$330.00	\$12,352.00		
02/18 30	10776653	18360-274226-1001	\$770.00	\$11,582.00		
02/18 130	10675937	030627/267415 8021	\$40.00	\$11,542.00		
02/18 380	10706696	033339/271282 8021	\$40.00	\$11,502.00		
02/18 388	10705017	033339/271319 8021	\$40.00	\$11,462.00		
02/19 3	10097196	43547-244236 2201	\$865.00	\$10,797.00		

Deposit Account Statement

02/19 3	10291959	01490	1252	\$420.00	\$10,377.00
02/19 4	10097196	43547-244293	1804	\$300.00	\$10,077.00
02/19 4	10291959	01490	1801	\$770.00	\$9,307.00
02/19 5	10097196	43547-244293	2001	\$15.00	\$9,292.00
02/19 35	10674750	038721257005	8021	\$40.00	\$9,252.00
02/19 130	60544455	018100074130	1005	\$180.00	\$9,092.00
02/20 3	10043026	431997207344	1801	\$770.00	\$8,322.00
02/20 4	10317334		8204	\$300.00	\$8,022.00
02/20 54	2521203		8521	\$40.00	\$8,582.00
02/20 299	10672813	104035269189	8021	\$40.00	\$8,542.00
02/23 94	10650284	043774288262	8021	\$40.00	\$8,502.00
02/23 168	09958511	38698/239748	1806	\$180.00	\$8,322.00
02/23 176	10281087	038807249487	8007	\$40.00	\$8,282.00
02/23 218	78131219		8521	\$40.00	\$8,242.00
02/24 2	10285395	030627/25313	1201	\$172.00	\$8,070.00
02/24 3	10234992	98280	1806	\$180.00	\$7,890.00
02/24 3	10285395	030627/25313	1202	\$198.00	\$7,692.00
02/24 415	2521203		8521	\$40.00	\$7,652.00
02/25 1	09879360	38151/235127	1253	\$950.00	\$8,702.00
02/25 155	10010794	43882/241174	2201	\$43.00	\$8,659.00
02/26 236	10675241	030627/257417	8021	\$40.00	\$8,619.00
02/27 122	10675584	030627/267409	8021	\$40.00	\$8,579.00
02/27 134	10675802	030627/263780	8021	\$40.00	\$8,539.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$21,348.00	\$16,889.00	\$1,880.00	\$8,539.00

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